

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**CHRISTOPHER L. SECHLER
and SUSAN R. SECHLER**

PLAINTIFFS

V.

NO. 3:22-CV-198-DMB-RP

**U.S. BANK NATIONAL ASSOCIATION,
Trustee for Truman 2016 SC6 Title Trust**

DEFENDANT

ORDER

On September 27, 2022, U.S. Bank National Association, as Trustee for Truman 2016 SC6 Title Trust, moved to dismiss Christopher L. Sechler and Susan R. Sechler's complaint for failure to state a claim. Doc. #13. With leave of the Court,¹ the Sechlers filed an amended complaint on November 7, 2022. Doc. #40. On November 16, 2022, U.S. Bank moved to dismiss the amended complaint. Doc. #42.

As a general rule, "[a]n amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading." *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994). Because the amended complaint here does not incorporate the earlier pleading and because U.S. Bank has moved to dismiss the amended complaint, the motion to dismiss the original complaint [13] is **DENIED as moot**.

SO ORDERED, this 17th day of November, 2022.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ Doc. #39.